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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/769,672   | 01/25/2001  | Hildegard Romer      | WEI0021             | 5403             |
| 7590   | 01/09/2004  |                      | EXAMINER            |                  |
| John F. Hoffman<br>BAKER & DANIELS<br>Suite 800<br>111 East Wayne Street<br>Fort Wayne, IN 46802 |             |                      | LOPEZ, CARLOS N     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 1731                |                  |
| DATE MAILED: 01/09/2004  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/769,672

**Applicant(s)**

ROMER ET AL.

**Examiner**

Carlos Lopez

**Art Unit**

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

After further review of the cited prior art, the finality of the rejection of the last Office is withdrawn.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-26,28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janakirama-Rao (US 3,779,733) in view of Tooley (Handbook of Glass Manufacture, 1953). Tooley in pages 242-270, discloses the conventional glass making process comprises of a melting stage, refining stage, homogenizing stage and a heat conditioning stage as graphically shown in figure IX B 1 page 242. Tooley is silent disclosing the claimed specific working conditions. However, Janakirama-Rao discloses a method of making an improved heat-absorbing glass (abstract). The method comprises melting a first glass batch comprising at least .5 wt % of a polyvalent ion (Tin and Iron as disclosed example I and col 4, lines 60ff) at a temperature of 2600°F – 2900°F, see col. 2, lines 39ff. After the first stage, the glass melt is passed to a lower temperature section of the melting tank into the refining section wherein the glass melt is refined at a temperature of about 2400 °F, see col. 2, lines 45ff. Thus at the time the invention was made it would have been obvious to a person of ordinary skill in the art to

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have modified the conventional glass making process which includes the claimed melting stage, refining stage, homogenizing stage and a heat conditioning stage of Tooley with Janakirama-Rao's glass making method in order to make an improved heat-absorbing glass.

As for claim 26 and 34-37, toxic arsenic oxide or antimony oxide is not used by Janakirama-Rao.

Tooley additionally discloses other polyvalent ions in pages 57-80.

Claims 27 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janakirama-Rao (US 3,779,733) in view of Tooley (Handbook of Glass Manufacture, 1953) as applied to the claims above and in further view of Matesa (US 4,780,121). Tooley and Janakirama-Rao is silent disclosing refining the glass melt in a crucible by using an induction coil. However, Matesa's glass making is performed by vessel having induction coils 32 for high frequency energy heating (Column 5, lines 66-68). Matesa additionally teaches that providing inductive heating reduces production cost (Column 6, lines 12-16). At the time the invention was made it would have been obvious to one of ordinary skill in the art to have used Tooley and Janakirama-Rao's glass making method with high frequency energy as taught by Matesa in order to reduce production cost.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

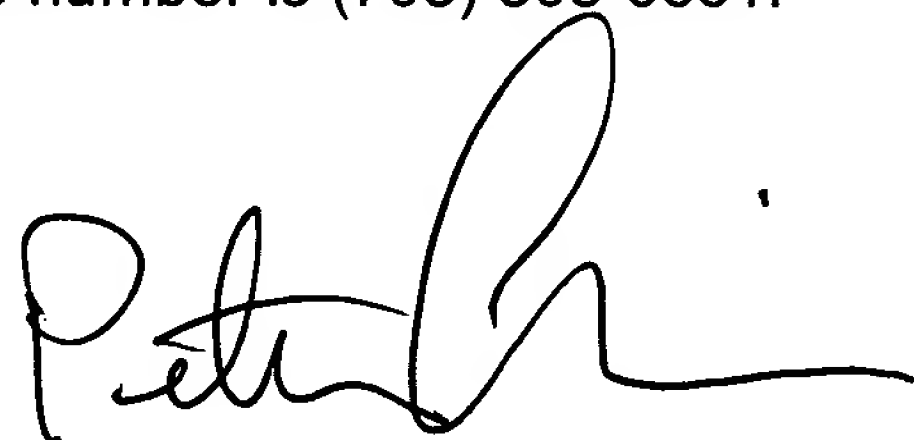
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is (703) 605-1174 and after Dec. 18 2003 calls should be directed to (571) 272-1193. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164 and after Dec. 18 2003 calls should be directed to (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

CL

A handwritten signature in black ink, appearing to read 'Peter Chin', with a stylized, flowing script.

PETER CHIN  
PRIMARY EXAMINER